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SUBJECT: COTE D'IVOIRE: THIRD MEETING OF THE INTERNATIONAL WORKING GROUP

Classified By: POL/ECON Jim Wojtasiewicz, reasons 1.4 (B) and (D).

¶1. (C) Summary. The subject that came in for the most discussion at the January 15 meeting of the International Working Group (IWG) was the future of the National Assembly, whose mandate expired December 16. Heads of delegation reached an initial consensus to recommend that the Assembly remain on only as a consultative body, with no legislative powers. However, the co-chairmen subsequently proposed, and the IWG accepted, to recommend only that the Prime Minister could call on individual former members of parliament for specific tasks as needed. At the request of the UN High Representative for Elections (HRE), the IWG also made clear its expectation that the HRE will issue an arbitration ruling on the deadlock in the Independent Electoral Commission (CEI) in time for the CEI to be up and running by the next IWG meeting. The UN Operation in Cote d'Ivoire (UNOCI), Nigeria, and the Economic Community of West African States (ECOWAS) pressed hard for the IWG to recommend that the Security Council agree to the Secretary General's request for a 50 percent troop increase for UNOCI, but after the United States objected, compromise language was accepted paralleling UNSCR ¶1633. In retrospect, in light of the four days of unrest that followed the IWG meeting, it would have been better if the Nigerians had kept to the consensus language recommending that the National Assembly remain on as a collective, consultative body. The IWG's communique may only have been a pretext for the unrest, but more conciliatory language on the Assembly might have removed any such pretext. End Summary.

¶2. (U) The Third meeting of the IWG was held January 15. There were more high-level attendees than usual, perhaps because people were en route to the inauguration of the new president of Liberia the following day. The meeting was co-chaired as usual by Nigerian Foreign Minister Oluyemi Adenji and Special Representative of the Secretary General (SRSG) Pierre Schori. Also in attendance were Baroness Amos, the leader of the UK House of Lords (which carries cabinet minister status); Louis Michel, Commissioner for Development and Humanitarian Assistance at the European Commission; Nkosazana Dlamini-Zuma, Foreign Minister of South Africa; Nana Akufo-Addo, Foreign Minister of Ghana; Aïchatou Daoudou, Foreign Minister of Niger; Brigitte Girardin, Minister Delegate for Cooperation, Development and the French Speaking Countries of France; Mohamed Ibn Chambas, Executive Secretary of ECOWAS; Said Djinnit, Commissioner for Peace and

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Security of the African Union; and representatives from the United States, Guinea, Benin, the International Organization of French Speaking Countries, the World Bank, and the UN High Representative for Elections in Cote d'Ivoire.

¶3. (C) The subject that came in for the most discussion was the future of the National Assembly. The co-chairs hosted a breakfast before the meeting for heads of delegation to

discuss how to respond to the Constitutional Court's ruling that President Gbagbo could extend the mandate of the Assembly, which expired December 16. The IWG had previously decided at its December 6 meeting that the mandate should not be extended. At the breakfast, consensus was quickly reached to recommend that the Assembly continue on only as a consultative body, without legislative powers. Even South African Foreign Minister Zuma, who at the last meeting argued that President Gbagbo should extend the Assembly's full mandate, agreed to this formulation. However, when the subject came up during the IWG meeting, Nigerian Foreign Minister Adenji, backed by SRSG Schori, instead proposed that the group recommend only that the Prime Minister could call upon individual former members of parliament for specific tasks. Minister Zuma argued strongly that the Assembly should be kept on as a collective, consultative body, but in the end she agreed to Adenji's formulation. There was then extensive discussion over whether the communique from the meeting should say that the mandate of the Assembly "can not" be extended (France), or "should not" be extended (most other delegations). Underlying this debate was the question of whether the IWG has authority to decide on this issue or whether it can only make a recommendation. In the end, compromise language proposed by EC Commissioner Michel was accepted, that the mandate "is not to be" extended.

¶4. (C) There was also considerable discussion about the current deadlock in the Independent Electoral Commission (CEI). At the last meeting, France pushed hard for the IWG to strongly urge UN High Representative for Elections Antonio Monteiro to use his arbitration authority to break the deadlock. However, South Africa, Nigeria and others expressed concern about Monteiro overruling a decision of the Supreme Court. (President Gbagbo's Ivoirian Popular Front (FPI) party boycotted the election of the executive board of the CEI because they insisted that non-voting members of the

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commission must be allowed to vote on this particular occasion. The Supreme Court, which President Gbagbo controls, ruled that the election was invalid. The IWG wants Monteiro to rule that the election was valid and the CEI should begin its work immediately.) This time even stronger concerns were expressed. Monteiro's deputy informed the IWG that Monteiro wants ten more working days after he returns from New York to search for a political compromise. If that fails, he will immediately make his ruling. Monteiro's representative asked that language committing him to this course of action be inserted into the communique, and this was done -- the communique notes the IWG's expectation that Monteiro will make a ruling in time for the CEI to be operational by the text IWG meeting.

¶5. (C) It is noteworthy that on both of these issues, Prime Minister Banny, who arrived around noon to address the meeting, asked for the IWG's support. On the National Assembly he said there is no basis for elected parliamentarians to remain on after their mandate has expired. On the CEI he asked for a quick ruling by Monteiro to allow the commission to get on with the task of organizing elections.

¶6. (C) SRSG Schori spoke strongly in favor of the Secretary General's request for a 50 percent increase in troops for the UN Operation in Cote d'Ivoire (UNOCI). ECOWAS Executive Director Chambas, and UNOCI commander General Fall also spoke strongly in favor. Nigerian Foreign Minister Adenji proposed that the IWG in its communique recommend that the Security Council agree to the Secretary General's request. The United States objected that this would be prejudging the decision of the Security Council, but was told by Adenji that the recommendation would remain because there is no veto in the IWG. Ambassador Hooks made it clear that he objected to the language and would not join the consensus on this point. South African Foreign Minister Zuma then proposed compromise language paralleling paragraph 22 of UNSCR, recommending only

that the Security Council review UNOCI force levels, and this matter was resolved.

¶7. (C) Comment: In retrospect, in light of the four days of unrest in Abidjan and western Cote d'Ivoire that followed the issuing of the IWG communique, it would have been better if Adenji had kept to the consensus language from the breakfast, recommending that the National Assembly remain on as a collective, consultative body. That said, we believe that the IWG communique was only a pretext for the unrest, and that in reality President Gbagbo deliberately called out the protesters to undermine Prime Minister Banny. Still, more conciliatory language on the Assembly might have removed any such pretext. As it is, the IWG has now also been undermined, especially after Nigerian President Obasanjo issued a joint communique agreeing with President Gbagbo that the IWG in effect has no power to determine the future of the National Assembly. End Comment.

Hooks